

96TH CONGRESS  
1ST SESSION

# H. R. 218

To amend chapter 5, subchapter II, of title 5, United States Code, to provide for improved administrative procedures.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 1979

Mr. DANIELSON introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To amend chapter 5, subchapter II, of title 5, United States Code, to provide for improved administrative procedures.

1       *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*  
2       That (a) section 551(4) of title 5, United States Code, is  
3       amended to read as follows:

5               “(4) ‘rule’ means the whole or a part of an  
6       agency statement of general applicability and future  
7       effect designed to implement, interpret, or prescribe  
8       law or policy or to describe the organization, proce-  
9       dure, or practice requirements of an agency;”.

1       (b) Section 551(14) is added to read as follows:

2           “(14) ‘ratemaking and cognate proceedings’  
3       means agency process for the approval or prescription  
4       for the future of rates, wages, corporate or financial  
5       structure of reorganizations thereof, prices, facilities,  
6       appliances, services, or allowances therefor or of valua-  
7       tions, costs, or accounting, or practices bearing on  
8       any of the foregoing.”.

9       (c) Section 556(d) is amended to insert before the words  
10      “rule making” in the last sentence thereof the words “rate-  
11      making and cognate proceedings,”.

12       (d) Section 557(b) is amended to insert before the words  
13      “rule making” in the fourth sentence thereof the words  
14      “ratemaking and cognate proceedings,”.

15       SEC. 2. Section 553 of title 5, United States Code, is  
16      amended as follows:

17       (1) Paragraph (1) of subsection (a) is amended to read as  
18      follows:

19           “(1) a matter pertaining to a military or foreign  
20       affairs function of the United States that is (A) specifi-  
21       cally authorized under criteria established by Executive  
22       order to be kept secret in the interest of the national  
23       defense or foreign policy and (B) is in fact properly  
24       classified pursuant to such Executive order; or”.

1       (2) Paragraph (2) of subsection (a) is amended by insert-  
2       ing a period after "personnel" to read as follows:

3           "(2) a matter relating to agency management or  
4       personnel.".

5       (3) Clause (B) of the third sentence of subsection (b) is  
6       amended to read as follows:

7           "(B) when the agency for good cause finds that  
8       notice and public procedure thereon would be impracti-  
9       cable, unnecessary, or contrary to the public interest  
10      (including the interest of national defense or foreign  
11      policy in a matter pertaining to a military or foreign  
12      affairs function). The agency shall publish in the docu-  
13      ment promulgating each rule issued in reliance upon  
14      this provision either (i) the finding and a brief state-  
15      ment of reasons therefor, or (ii) a statement that the  
16      rule is within a category of rules established by a spec-  
17      ified rule which has been previously published and for  
18      which the finding and statement of reasons have been  
19      made.".

○